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Message

12189 In archives (42928)

Of the Governor of Oregon Territory. Dec 7th 18[illegible]

To the Hon. the Legislative Assembly
of Oregon Territory.

Fellow Citizens,

Contrary to the expectation of all who reside in this Territory, you are again convened under the Provisional Government of Oregon. After learning that the boundary line question was settled, there was hardly a doubt resting in the mind of any individual with regard to the extension of the jurisdiction of the United States, over this Territory. We have been sadly disappointed, and hope which was so fondly cherished, begins to sink into despair in the hearts of many.

Our situation is not a pleasant one, on account of the uncertainty of it — we may be, in less than six months, under the laws and government of the United States; and we may, on the other hand, exist in our present state several years. This uncertainty will no doubt embarrass you in your proceedings. If we remain as we are, for any length of time ways and means must be devised for raising a more extensive revenue. The laws should be published in a convenient form, a fund set apart for treating with Indians, and many other things provided for, that we have been for unprovided with, but which now

be attended to, in order that we may carry out the principles under which we have associated.

This being the first session of the present Congress, they will have more time to devote to the formation of a government for the Territory than at the last session. The probability is that peace between the United States and Mexico, will have been restored, and relieve Congress from the care and anxieties attendant upon a war, and also relieve the government from the very heavy expense which must necessarily attend the carrying on of a war. These things lead to the hope that among the first acts of Congress, will be the passage of an act to establish a Territorial Government in Oregon. This will release us from our present embarrassments and place us under a permanent form of government. Hoping that this may be the case, I will call your attention to such subjects as are most pressing in their character, and which cannot well be dispensed with. The Judiciary as now ~~present organized~~ regulated, answers every purpose required of it, and proves to be a far better system than the old one. There is one thing however, needed very much in connection with it, and that is a prison. Should an offender be sentenced to imprisonment by the Judge, there is no place in the Territory to confine him; and consequently he escapes the punishment, his crimes justly merit. This should not be so — and I hope you will provide means during your present session, for the erection of a jail.

In my message of 1845, I recommended that in addition to gold and silver, wheat should be the only article used in the Country as a legal tender. The Legislature added treasury drafts, and orders on solvent merchants. I would recommend the repeal of that part of the act which makes treasury drafts and orders on solvent merchants, a lawful tender, receiving treasury drafts, however in payment of taxes and debts due the government. Gold and silver are much more plentiful in the Territory now than two years ago, and could be made the only lawful tender without detriment to the community, still I think wheat had better remain in connection with gold and silver. It is a staple article and can always be disposed of to merchants and others.

I would recommend an alteration in the law relating to the recording of land claims. The Organic Law requires that claims be recorded in the office of the Territorial Recorder — this answered very well while our population was small, and nearly all living in one district, but our population is increasing rapidly and spreading over a large extent of country, new counties have been formed, and probably in a short time others will be set off, and lands taken up still farther from the Territorial Recorders office than at the present time. In view of this I think it advisable that you propose an amendment to the Organic Law making the Clerk of the County Court recorder of all

laid
a Claims located within his county, and dis-
pense with the office of Territorial Recorder.
The act entitled "An act to regulate the Man-
ufacture and Sale of Wine and entitled
"An act to prohibit liquors" passed at the last
session of the Legislature, I would recommend
for revision. An act to prevent the intro-
duction, manufacture, and sale of ardent
spirits in Oregon, would be far more
acceptable to a large majority of the people
of this Territory. In our early history
ardent spirits were unknown among us.
Every effort was made to keep it out of the Territory
and to a great extent successfully until 1846, when
owing to the defects in the law passed at the session
of 1845 some persons violated the Statutes and
liquor was made and sold in the Territory,
but it was not done openly nor carried on to any
great extent. The last Legislature licensed
the manufacture and sale of ardent spirits.
I hope the present Legislature will repeal the
license law. Would it not be better to have
the law opposed to ardent spirits, than to have
the manufacture and sale of it legalized
by the Statute. It is argued by some persons
that you have not the right to put it down, and
by others that it is interfering with the liberties
of the people and depriving them of their rights.
I think you have the right to prevent its
introduction — no one can dispute your
right to regulate it down to the medical
profession. With regard to taking away
the liberties of the people — prohibitory

laws are passed by all Legislatures, I will simply give one instance. In a law of Massachusetts passed 23d March 1833 it is declared that any person who shall in violation of the law sell a lottery ticket, or knowingly suffer one to be sold, in any building owned or rented by him within the Commonwealth, he shall forfeit and pay a sum not less than One hundred, nor more than two thousand dollars; and that if any person after conviction, shall repeat the offence, he shall be sentenced for every subsequent offence, to labor in the house of correction or in the Common Jail, for a term of time not less than three months, nor more than twelve months. This was not considered by the people as taking away their liberties though it deprives some of the liberty of ruining themselves, and others from making money out their ruin. And is not this statute founded in the true principles of legislation, not to licence evil, but to defend the community from it. Other states have passed similar laws. When a crime is committed by any person when under the influence of liquor where does the responsibility rest? The individual when sober informs us he did not know what he was doing — the seller says, I have a license to sell liquor, and sold it to him according to law. Would it not be for the interest of the Territory to take away this plea from the seller! The license system throws a bulwark around the dealer in ardent spirits, behind which he entrenches himself.

Remove this bulwark, place the law against him, and public sentiment will put him down. The temperance cause is an onward one — we hear of State after State deciding through the ballot box, that no license to sell liquor shall be granted within its bounds, and the Supreme Court at Washington to which several cases had been carried up from the circuit courts arising from the liquor question, decided at the last term of the Court that the States have the right to regulate the trade in, and the licensing of the sale of ardent spirits.

Our Organic Law says that the Legislature shall have the power to regulate the introduction, manufacture, or sale of ardent spirits. In the United States, some of the States prohibit the granting of licenses — the Supreme Court say the States have the right to regulate the licensing of the sale of ardent spirits, and under the right to regulate, the States prohibit, and the Court upholds them in it.

The question, shall the license system be continued, or shall the introduction, manufacture, and sale of ardent spirits be prohibited, is in your hands, and I hope, in deciding upon it, you will take the welfare and future prosperity of the Territory into your consideration. You are well aware of our situation with regard to the Indian population, and have seen the effect liquor has upon them.

You may have heard them say, if the whites would not furnish us liquor we would not become such fools. I leave the question

with you, sincerely hoping that should we come under the jurisdiction of the United States the coming year, we may be found with a law on our Statute books prohibiting the sale of ardent Spirits in this Territory.

Our relation with the Indians becomes every year more embarassing. They see the white man occupying their land, rapidly filling up the country, and they put in a claim for pay. They have been told that a Chief would come out from the United States and treat with them for their lands — they have been told this so often that they begin to doubt the truth of it; at all events, they say he will not come till we are all dead, and then what good will blankets do us! we want something now. This leads to trouble between the settler and the Indians about him. Some plan should be devised by which a fund can be raised, and presents made to the Indians, of sufficient value to keep them quiet until an Agent comes from the United States. A number of robberies have been committed, by the Indians in the upper Country, upon the emigrants as they were passing through this territory — this should not be allowed to pass. An appropriation should be made by you sufficient to enable the Superintendent of Indian Affairs to take a small party in the Spring and demand restitution of the property or its equivalent in horses.

Without an appropriation, a sufficient Party could not be induced to go up there as the trip is an expensive one.

The immigration the past season has been much larger than any preceding one amounting to between four and five thousand souls. They have all arrived in the Settlements - unless a few families should still be at the Dalles and Cascades - and scattered themselves over the Territory. The most of them are farmers and mechanics — They will add much to the future welfare and prosperity of Oregon.

During the last year we have been visited by 240 a number of vessels, some of them drawing more water than the vessels which have usually visited us. I am happy to say they received full cargoes on board and crossed the bar in safety. The provisions of the pilot law have been carried out and its good effects are already visible.

The able Pilot at the mouth of the river has made himself thoroughly acquainted with the channels and currents. Thus diminishing the dangers formerly attending vessels coming into the river. The time is not far distant when our river will be entered with more ease and facility than many of the ports in the United States on the Atlantic coast, and Captains will wonder why the entrance was so much dreaded forgetting that they are reaping the benefits of experience.

The cause of Education demands your attention. School districts should be formed in the several counties, and school houses built. Teachers would be employed by the people, I have no doubt, and thus pave the way for more advanced institutions.

In closing allow me to unite with you in expressions of gratitude to that Being who has preserved us during the past year and granted us the blessings of health peace and prosperity. May we continue to merit his mercies, by acknowledging our dependence on him, and keeping his law before us.

Geo. Abernethy

Oregon City Dec. 7th 1847.